



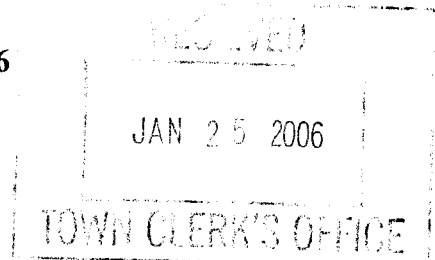
# TOWN OF NEW WINDSOR

## ZONING BOARD OF APPEALS

Regular Session

Date: JANUARY 23, 2006

### AGENDA



7:30 p.m. – Roll Call

Motion to accept minutes of NOVEMBER 14<sup>TH</sup>, 2005 meetings as written.

### PRELIMINARY MEETINGS:

1. **XIAOJL ZHANG (06-05)** Request for 8 ft. Side Yard Setback for proposed attached garage at 14 Truex Drive in an R-4 Zone (**70-1-15.8**)

### PUBLIC HEARINGS:

2. **VASAL MONCZYN (06-01)** Request for 28 feet Rear Yard Setback for existing attached rear deck (G-5) at 170 Shaw Road in an R-1 Zone (**52-1-48**)

Next Meeting – February 27, 2006

January 23, 2006

1

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

JANUARY 23, 2006

MEMBERS PRESENT:: KIMBERLY GANN, ACTING CHAIRMAN  
KATHLEEN LOCEY  
PATRICK TORPEY

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

ABSENT: MICHAEL KANE, CHAIRMAN  
LEN MCDONALD  
MICHAEL REIS  
STEPHEN RIVERA

MYRA MASON  
ZONING BOARD SECRETARY

REGULAR MEETING

---

MS. GANN: I'd like to call to order the January 23,  
2006 meeting of the New Windsor Zoning Board.

MINUTES\_OF\_NOVEMBER\_14,\_2005

---

MS. GANN: Motion to accept the minutes of November 14,  
2005.

January 23, 2006

2

MS. LOCEY: I'll offer that motion.

MR. TORPEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. TORPEY	AYE

PRELIMINARY\_MEETINGS:

---

XIAOJL\_ZHANG\_(06-05)

---

MS. GANN: Request for 8 ft. side yard setback for proposed attached garage at 14 Truex Drive.

Mr. Xiaojl Zhang appeared before the board for this proposal.

MS. GANN: Please state your name and your address and tell us why you're here this evening loud enough for the young lady over here to hear you.

MR. ZHANG: My name is Xiaojl Zhang, I live at 14 Truex Road.

MS. GANN: Can you tell us why you're here this evening?

MR. ZHANG: I want to put a garage attached to my house.

MS. GANN: And this is not an existing garage, it's a new attached garage?

MR. ZHANG: Yes, I don't have enough parking over there so I need a garage and in the summertime this happened to me before I have a car before in the summertime the dogs come and destroy my car, this is why I need a garage and I just bought a new car, we have no space for--

MR. TORPEY: They do what?

MR. ZHANG: When I'm not home the dogs scratch my car.

MS. GANN: So you're doing it for protection as well as just keeping your car?

MR. ZHANG: I bring the car to the body shop, what they told me there's a scratch on the car.

MR. KRIEGER: How big will the garage be?

MR. ZHANG: It will be about 12 x 20.

MR. BABCOCK: 14 x 20.

MR. KRIEGER: Two cars?

MR. BABCOCK: One car.

MS. GANN: Can you show me where the location would be?

MR. ZHANG: This will be the front side, this will be the front and the side would be over here and I did the survey map where the garage might be.

MS. GANN: Mike, what else do I need?

MR. BABCOCK: It's actually 12 foot off the property line, it's supposed to be 20 cause it's attached to the house so he needs a variance of 8. Before this gentleman bought the house the prior people had converted the garage to living space so there's no garage at this residence at this time, that's why he's saying he needs to have a garage for his car, the dogs and animals are climbing on it scratching it.

MR. KRIEGER: Why can't the garage be built within the zoning requirements, within what the law said the setbacks are and so forth?

MR. BABCOCK: He would be allowed a garage of three foot wide by zoning which is not wide enough for a car.

MR. KRIEGER: Not an actual people car.

MR. BABCOCK: Yes.

MR. KRIEGER: Matchbox probably.

MS. GANN: Will this be going over any easements that you know of?

MR. KRIEGER: Do you know what an easement is?

MR. ZHANG: No.

MR. KRIEGER: An easement is legal permission for someone else to use your property, like, for instance, the electric company sometimes gets easements to put power lines across somebody else's property, they don't want to own the property, they just want to put the power lines there. The Town would get easements for water, sewer, drainage and again, it's just permission to use your property. So do you know of anybody having permission to use your property?

MR. ZHANG: No.

MR. KRIEGER: How is your, what's your water and sewer supplier? Are you on water and sewer or well and septic or how do you get your water?

MR. BABCOCK: He has Town water and Town sewer, if you'd like him to answer these questions, I'm not sure he understands them fully so I'll try to help him.

MR. KRIEGER: That's okay, saves time.

MR. BABCOCK: I have a copy of the survey in his file and there does not appear to be any easements in this area.

MR. KRIEGER: And you won't be removing any substantial vegetation?

MS. LOCEY: Are there a lot of trees that you will need

to cut down?

MR. ZHANG: No.

MR. BABCOCK: Yeah, there's no vegetation there whatsoever, maybe grass.

MR. KRIEGER: And won't create any water hazards of any kind?

MR. ZHANG: Water?

MR. KRIEGER: It won't change the way the water flows?

MR. ZHANG: No.

MS. GANN: Okay.

MS. LOCEY: Do other houses in your neighborhood have garages similar to the one you want to construct, do your neighbors have garages?

MR. ZHANG: They all have a garage.

MS. GANN: About the same size as the one you want to build?

MR. ZHANG: I only need one garage because I don't have enough room for two, so I wanted at least one to put my car in.

MS. GANN: Okay.

MS. GANN: You'd have to come back after this, after this public hearing for, I'm sorry, after this preliminary hearing for a public hearing, you have to show up for that as well because what we're going to do is send around mailers to everyone in your neighborhood to see if they have a problem with what you're doing. Okay?

January 23, 2006

7

MR. BABCOCK: I have an instruction sheet for this gentleman.

MR. KRIEGER: Do you have the instruction sheet? Okay.

MR. BABCOCK: Just once they're done here, give them another minute, once they're done, you read this and it will tell you, if you have any questions, just call Myra.

MR. ZHANG: Okay.

MS. GANN: I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Xiaojl Zhang and his request for an eight foot side yard setback for a proposed attached garage at 14 Truex Drive in an R-4 zone.

MR. TORPEY: Second the motion.

ROLL CALL

MS. LOCEY	AYE
MS. GANN	AYE
MR. TORPEY	AYE



PUBLIC\_HEARINGS

---

VASAL\_MONCZYN\_(06-01)

---

Mr. and Mrs. Vasal Monczyn appeared before the board for this proposal.

MS. GANN: Request for 28 feet rear yard setback for existing attached rear deck at 170 Shaw Road. State your name and address, you need to go through this all over again like we did in the first hearing loud enough for the young lady to hear you.

MR. MONCZYN: Vasal Monczyn, 170 Shore Road, Rock Tavern, New York.

MS. GANN: Tell us again why you're here.

MRS. MONCZYN: We're in the process of selling our house and the deck is the question that we need a C.O. for.

MR. MONCZYN: We need the variance, we only have 28 feet before it hits the neighbor's yard there.

MRS. MONCZYN: And we'd like the deck to stay on the house, it's a beautiful deck.

MS. GANN: How long has the deck been there?

MRS. MONCZYN: About 20 years.

MR. MONCZYN: At least, we put it up when there's all just cow fields behind us, woods, no houses, nobody around within miles.

MS. GANN: Do you know if you had to take down any substantial vegetation to put this up?

MR. MONCZYN: No, no, lot of rocks, Rock Tavern, they

grow them there.

MS. GANN: To your knowledge, does this go over any easements?

MR. MONCZYN: No, ma'am, no, we talked to our neighbor, the Schraders border us on two sides where the deck is, they have had no complaints about it. Matter of fact, they wanted to come and put their two cents in but I didn't think it was necessary.

MS. GANN: Is it similar in size to other decks that are in your neighborhood, in the area in size and appearance?

MR. MONCZYN: Yes, mine's prettier.

MR. KRIEGER: That's why she said similar. There's an exit from the house onto the deck?

MR. MONCZYN: Yes, the back through the kitchen.

MR. KRIEGER: Looks like from the picture the deck's at least 3 feet high?

MR. MONCZYN: One side, yes, on the other side's about 2.

MR. KRIEGER: Somebody leaving the house if the deck weren't there would fall down?

MR. MONCZYN: Oh, yeah, yeah, it's a quite a drop there.

MR. KRIEGER: Very serious physical injury?

MR. MONCZYN: Yes, it's pretty high here, this far end you don't see it here but right here is where the steps come down that's pretty high here but up here it's only about 2 1/2 feet.

MS. GANN: Slope of the land, okay.

MR. KRIEGER: Does it create ponding or collection of water, divert the flow of water drainage?

MR. MONCZYN: No.

MR. KRIEGER: Doesn't affect the drainage at all?

MR. MONCZYN: Not at all, not a factor.

MS. GANN: Is there anyone out there for this public hearing? Seeing that there's no one in the audience, I'll accept a motion to close the public hearing.

MS. LOCEY: I'll offer a motion to close the public hearing.

MR. TORPEY: Second it.

ROLL CALL

MS. LOCEY     AYE  
MS. GANN      AYE  
MR. TORPEY    AYE

MR. BABCOCK: I have a letter here from Myra dated the 10th of January, 11 addressed envelopes containing the notice of public hearing went out, just a matter for the record.

MS. LOCEY: Any replies?

MR. BABCOCK: No replies.

MS. GANN: Okay.

MS. LOCEY: Accept a motion?

January 23, 2006

11

MS. GANN: I'll accept.

MS. LOCEY: I'll offer a motion on the application of Vasal Monczyn to grant his request for a 28 foot rear yard setback for an existing attached rear deck at 170 Shaw Road in an R-1 zone.

MR. TORPEY: Second it.

ROLL CALL

MS. LOCEY     AYE  
MS. GANN     AYE  
MR. TORPEY   AYE

MS. GANN: I'll entertain a motion to adjourn.

MS. LOCEY: So moved.

MR. TORPEY: Second it.

ROLL CALL

MS. LOCEY     AYE  
MS. GANN     AYE  
MR. TORPEY   AYE

Respectfully Submitted By:

Frances Roth  
Stenographer

